

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROGER FRANZ,)
)
Plaintiff,) **2:05-cv-1489**
)
v.)
)
MELLON FINANCIAL CORPORATION)
and MELLON FINANCIAL MARKETS,)
LLC,)
)
Defendant.)

ORDER OF COURT

AND NOW, 23rd day of October, 2006, the court has been advised by counsel for the parties that the above-captioned action has been settled and that the only matters remaining to be completed are the payment of the settlement proceeds and the submission of a stipulation for dismissal under Fed.R.Civ.P. 41(a). It appears that there is no further action required by the court at this time.

IT IS HEREBY ORDERED that the Clerk mark the above-captioned action closed, but this order shall not be considered a dismissal or disposition of this action and should further proceedings herein become necessary or desirable, either party may initiate same by pleading in the same manner as if this order had not been entered.

IT IS FURTHER ORDERED that the court expressly retains jurisdiction of this matter to consider any issue arising during the period when settlement is being finalized, including but not limited to enforcing settlement.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

cc: Joel S. Sansone, Esquire
Email: joelsansone03@msn.com
John W. Murtagh, Esquire
Email: murtaghandcahill@zoominternet.net

Cathy Bissoon, Esquire
Email: cbissoon@reedsmit.com
John C. Unkovic, Esquire
Email: junkovic@reedsmit.com